

Message Text

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CEA-01 CIAE-00 CIEP-01 COME-00 DODE-00 FEAE-00 FPC-01

H-02 INR-07 INT-05 L-02 NSAE-00 NSC-05 OMB-01 PM-03

SAM-01 OES-03 SP-02 SS-15 STR-01 TRSE-00 FRB-03

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TO AMEMBASSY OTTAWA IMMEDIATE

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E.O. 11652: N/A

TAGS: CA, ENRG

SUBJECT: PIPELINE TREATY DISCUSSIONS MARCH 6

1. DURING MARCH 6 BILATERAL MEETING WITH CANADIANS, WE REACHED BASIC AGREEMENT ON CONCEPTS TO BE REFLECTED IN TREATY. WE DO NOT BELIEVE THERE ARE ANY INSUPERABLE DIFFERENCES OF OPINION IN THIS AREA.

2. BASIC POINTS STILL AT ISSUE ARE PRIMARILY LEGAL ONES DERIVING FROM DIFFERING LEGAL SYSTEMS. THESE CONCERN U.S. DESIRE FOR "IN BOND" TREATMENT OF HYDROCARBONS IN TRANSIT, AND EXTENT TO WHICH CANADIAN FEDERAL GOVERNMENT CAN PRE-EMPT PROVINCIAL TAXING AUTHORITY THAT MIGHT BE DISCRIMINATED.

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TORY.

3. MEETING ENDED WITH AGREEMENT THAT EACH SIDE WOULD PREPARE REVISED DRAFTS, BASED ON SUGGESTED MODIFICATIONS PUT FORWARD AT MEETING, WHICH WOULD THEN BE EXCHANGED. WE ALSO AGREED ON UTILITY OF MEETING WITHIN THREE WEEKS OF DRAFTING GROUP TO PUT TOGETHER UNIFIED DRAFT WHICH WOULD BE SUBJECT OF APRIL MEETING BETWEEN OFFICIALS.

4. IN PRESS BRIEFING AFTER MEETING DELEGATION LEADERS MCDOUGALL AND KATZ STRESSED: A) MEETING WAS CONGENIAL AND PRODUCTIVE, B) NONE OF REMAINING DIFFERENCES APPEAR INSUPERABLE, C) PRIMARY ELEMENTS OF TREATY WOULD BE 1) NON-INTERFERENCE WITH THROUGH-PUT, 2) NON-DISCRIMINATION IN TAXES, FEES, ETC.

5. COPIES OF CANADIAN AND U.S. DRAFTS TABLED AT MEETING WILL BE POUCHED FOR EMBASSY INFORMATION, IN ADDITION TO FULL REPORT ON MEETING. TRANSCRIPT OF PRESS BRIEFING FOLLOWS BY CABLE. INGERSOLL

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